

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Oliver D. Smith, v. Steve Sailer,	PLAINTIFF(S) DEFENDANT(S)	CASE NUMBER *AMENDED ORDER* 2:24-CV-05130
		ORDER ON REQUEST TO PROCEED IN FORMA PAUPERIS (NON-PRISONER CASE)

The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- ☐ is not able to pay the filing fees. ☒ is able to pay the filing fees.
- ☐ has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

IT IS THEREFORE ORDERED that:

- ☐ The Request is GRANTED.
- ☐ Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- ☒ The Request is DENIED because the filer has the ability to pay.
- ☐ As explained in the attached statement, the Request is DENIED because:
- ☐ The District Court lacks ☐ subject matter jurisdiction ☐ removal jurisdiction.
- ☐ The action is frivolous or malicious.
- ☐ The action fails to state a claim upon which relief may be granted.
- ☐ The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:

- ☒ Within 30 days of the date of this Order, the filer must do the following:

PLAINTIFF MUST PAY THE FILING FEE OF \$405.

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- ☐ As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED ☐ WITHOUT PREJUDICE ☐ WITH PREJUDICE.
- ☐ This case is REMANDED to state court as explained in the attached statement.

August 29, 2024

Date

HON. JOSEPHINE L. STATON

United States District Judge

Plaintiff receives £758 (British pounds sterling) per month in disability benefits, which is approximately \$1,000 (United States dollars). (See ECF 13 (IFP Application).)

He lives with his parents, who own their home, and he identifies no more than \$500 per month in recurring expenses. (Id. at 2.) He has no dependents. (Id.) He maintains at least two bank accounts, each of which has “around \$500” on deposit. (Id.) Because Plaintiff has significant disposable income and a bank balance that is at least an amount approximately equal to two-and-a-half times the amount of the filing fee (which is just over \$400), the Court finds that Plaintiff has the ability to pay, and his request to proceed in forma pauperis is denied.